



MEMORANDUM
City of Beaverton
Community and Economic Development

To: Interested Parties
From: City of Beaverton Planning Division
Date: Friday, April 12, 2012
cc: LD2012-0019
Subject: ***Notice of Decision for Church of the Nazarene Preliminary Partition***

Please find attached the notice of decision for LD2012-0019 - Church of the Nazarene Preliminary Partition. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for LD2012-0019 - Church of the Nazarene Preliminary Partition is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250, as established by resolution of the City Council.

The appeal closing date for LD2012-0019 - Church of the Nazarene Preliminary Partition is Wednesday, April 24, 2013.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community and Economic Development Department, 2nd Floor, City Hall, 4755 SW Griffith Drive between 7:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. For more information about the case file, please contact Jason T., Assistant Planner, at (503) 350-4038.

STAFF REPORT

DATE: Friday, April 12, 2013

TO: All Interested Parties

FROM: Jason T., Assistant Planner

PROPOSAL: **Church of the Nazarene Preliminary Partition**

LOCATION: Parcel One – 6345 SW Hall Boulevard
Washington County Assessor's Map 1S121AA Tax lot 800

Parcel Two – 12555 SW 22nd Street
Washington County Assessor's Map 1S122AD Tax lot 102

ZONING: Urban Standard Density (R7)

SUMMARY: The applicant is seeking approval of a Preliminary Partition application for the creation of one lot and two tracts of record in the R7 zoning district. The subject site, located at 6345 SW Hall Boulevard, contains two existing single family homes. The subject site, located at 12555 SW 22nd Street, contains the existing church building and parking lot. All structures are to remain. No development is proposed in association with this Land Division application.

APPLICANT: Tualatin Hills Park and Recreation District
Attn: Hal Bergsma
15707 SW Walker Rd
Beaverton, OR 97006

PROPERTY OWNER: Church of the Nazarene Beaverton
Attn: Doug Brumbaugh
12555 SW 22nd St
Beaverton, OR 97008

APPLICANT'S REPRESENTATIVES: Caswell/Hertel Surveyors, Inc.
Attn: Albert Hertel
6150 SW 124th Ave
Beaverton, OR 97008

RECOMMENDATIONS: **LD2012-0019 - Church of the Nazarene Preliminary Partition**
Approval subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

<u>Applications</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Final Written Decision Date</u>	<u>120-Day*</u>
LD2012-0019	November 28, 2012	February 27, 2013	April 12, 2013	June 27, 2013

* Pursuant to Section 50.25.8 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Urban Standard Density (R7)	
Current Development	The site consists of a Church Building with associated parking and two single family homes.	
Site Size	Parcel One 8.69 Acres and Parcel two 1.45 Acres	
NAC	Highland	
Surrounding Uses	<u>Zoning:</u> North: Urban Standard Density (R7) South: Urban Standard Density (R7) East: Urban Standard Density (R7) West: Urban Medium Density (R2)	<u>Uses:</u> North: Detached Residential South: Detached Residential East: Detached Residential West: Attached Residential

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Exhibit 1. Public Testimony

- 1.1 Email from Jack & Rachel Novotne residing at 12780 SW 18th St, dated April 1, 2013 in support of the proposed partition.

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Church of the Nazarene Partition
LD2012-0019**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted application as identified below:

- A. All critical facilities and services related to the proposed development have, or can be improved to have, adequate capacity to serve the proposed development at the time of its completion.***

Findings:

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. No new development is proposed with this partition application. The purpose of this application is to create one legal lot and two legal tracts of record from two existing tax lots. The site contains an existing building and associated parking and landscape areas and two single family homes. No changes are proposed to existing conditions. One Tract of land (Tract A) created by this partition is intended for sale to Tualatin Hills Park and Recreation District. The other tract of land (Tract B) is associated with the existing water quality treatment facility and is intended to separate the existing water quality facility from the single family homes.

Water, sanitary sewer and storm services are existing on site. The City Site Development Engineer has reviewed the plan to determine that adequate capacity exists to serve the new lot and tracts association with this partition.

With no proposal to change existing conditions and no change to existing uses, no increase in vehicle trips are expected to be added to the transportation system. The existing transportation network and intersections near the site will not be impacted by the proposal.

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). TVF&R has reviewed the plans and has no comments or recommended conditions of approval for the proposed partition. Staff also cites the findings for Criterion H hereto regarding fire prevention.

The Committee finds that the development will provide required critical facilities, as conditioned. Therefore, the Committee finds the proposal meets the criterion for approval.

Therefore, the Committee finds the proposal meets the criterion for approval.

B. Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the proposed development within five (5) years of occupancy.

Findings:

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way. The proposal does not include any modifications to the existing site. As previously stated, the proposal is limited to recording a plat for the area to include one legal lot and two legal tracts of record from two existing tax lots. Essential facilities are currently provided to the site. Essential facilities will not be affected by the proposed partition.

Therefore, the Committee finds the proposal meets the criterion for approval.

- C. The proposed development is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are modified by means of one or more applications which shall be already approved or which shall be considered concurrently with the subject application; provided, however, if the approval of the proposed development is contingent upon one or more additional applications, and the same is not approved, then the proposed development must comply with all applicable provisions of Chapter 20 (Land Uses).**

Findings:

Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban Standard Density (R7) zone, as applicable to the above mentioned criteria. This proposal is for one legal lot and two legal tracts of record from two existing tax lots in the R7 zoning district.

Therefore, the Committee finds the proposal meets the criterion for approval.

- D. The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both, as required by the applicable provisions of Chapter 60 (Special Requirements), are provided or can be provided in rough proportion to the identified impact(s) of the proposed development.**

Findings:

Staff cites the findings in the Code Conformance Analysis chart at the end of the report, which evaluates the project as it relates the applicable Code requirements of Chapter 60 for the site. This proposal is for one legal lot and two legal tracts of record from two existing tax lots in the R7 zoning district.

Section 60.30 Off-Street Parking

The proposal does not include a new use therefore additional parking is not required.

Section 60.55 Transportation Facilities

Traffic

The proposal does not include a new use nor does it create additional lots of records. As previously stated, the purpose of this application is to create one legal lot and two legal tracts. The partition will allow the Church of the Nazarene to transfer a portion of land to be created (Tract A). While this tract is intended to be conveyed to the Park's District, a new park is not subject to this application. Therefore a Traffic Management Plan and Traffic Impact Analysis are not required.

Street, Bicycle, and Pedestrian Connections

Existing street, bicycle, and pedestrian facilities are located along the site frontage, which provide adequate connections to surrounding areas. No additional connections on-site or adjacent to the site are required.

Street Width

The adjacent right-of-way is found to have adequate width and improvements that meet the street standards contained in the Engineering Design Manual. SW Hall Boulevard is improved with sidewalk, bike lanes, curb, and street trees, SW 22nd Street is also improved with sidewalk, bike lanes, curb, and street trees. No additional improvements are required.

Access

The proposal does not include the modification of the existing driveways onto Hall Boulevard. It is worth noting that with a future development proposal the existing driveway access SW Hall Boulevard frontage may be required to be closed. No new access or modification to the existing driveways is required for this proposal.

Transit

Trimet currently serves Hall Boulevard. The proposal does not warrant additional transit facilities.

Therefore, the Committee finds the proposal meets the criterion for approval.

E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas, and other facilities not subject to maintenance by the City or other public agency.

Findings:

The applicant is proposing to create one legal lot and two legal tracts of record from two existing tax lots in the R7 zoning district. No development is proposed at this time. The proposal as represented does not present any barriers, constraints, or design elements that would prevent or preclude required maintenance of the private infrastructure and facilities on site.

Therefore, the Committee finds the proposal meets the criterion for approval.

F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the development.

Findings:

The proposal does not include modifications to the existing vehicular or pedestrian circulation within the boundaries of the development.

Therefore, the Committee finds that the criterion is not applicable.

G. The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation systems in a safe, efficient, and direct manner.

Findings:

The proposal does not include modifications to the existing vehicular or pedestrian circulation within the boundaries of the development. Staff also refers to the findings stated in response to Criterion D herein.

Therefore, the Committee finds that the criterion is not applicable.

H. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.

Findings:

The Committee provided Tualatin Valley Fire and Rescue (TVF&R) with an opportunity to comment on the project proposal as submitted. The District has reviewed the proposal and has no comment on the application.

The proposal does not include any new structures. Future development of the site will be required to comply with any adopted codes or standards through the building permitting process.

Therefore, the Committee finds the proposal meets the criterion for approval.

- I. Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

Findings:

No physical changes to the site are proposed as part of this Land Division application which proposes one legal lot and two legal tracts of record from two existing tax lots in the R7 zoning district. Any future changes to the building or site must comply with the all applicable adopted Codes and standards.

Therefore, the Committee finds the proposal meets the criterion for approval.

- J. Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

Findings:

No physical changes included in this Preliminary Partition review. Any future development will be reviewed under the relevant codes and regulations. Therefore, this criterion is not applicable.

Therefore, the Committee finds that the criterion is not applicable.

- K. Access and facilities for physically handicapped people are incorporated into the development site and building design, with particular attention to providing continuous, uninterrupted access routes.***

The applicant does not propose physical development in association with this proposal.

Therefore, the Committee finds that the criterion is not applicable.

L. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.

Findings:

The applicant submitted the application on November 28, 2012 and was deemed complete by the applicant on February 22, 2013. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds the proposal meets the criterion for approval.

Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Urban Standard Density (R7) Zoning District

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Uses	Permitted, Conditional and Prohibited Uses	No development is proposed with this partition application	N/A
Development Code Sections 20.05.20			
Permitted Uses	Places of Worship and Detached Residential	No structures are proposed.	N/A
Development Code Section 20.05.15			
Minimum Lot Area	7,000 square feet	The applicant proposes two parcels, Parcel 1 being 6.46 acres in size and parcel 2 being 0.63 acres in size. Tract A is proposed to be 2.23 acres and Tract B .82 acres.	Yes
Yard Setbacks Minimums: Front Side Interior Rear	17-feet 5-feet 25-feet	Not applicable, no structures are proposed.	N/A
Maximum Building Height	35 feet	Not applicable, no structures are proposed.	N/A

Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.55 Transportation			
Transportation Facilities	Regulations for transportation facilities	No changes are proposed to transportation facilities.	N/A
Development Code Section 60.15 Land Division Standards			
Land Division Standards	Standards pertaining to Land Divisions	A Land Division-Preliminary Partition has been applied for.	See LD Findings

**ANALYSIS AND FINDINGS FOR
LAND DIVISION-PRELIMINARY PARTITION APPROVAL**

Section 40.45.05 Land Division Applications; Purpose

The purpose of the Land Division applications is to establish regulations, procedures, and standards for the division or reconfiguration of land within the City of Beaverton.

Section 40.45.15.3.C Approval Criteria

In order to approve a Preliminary Partition application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The application satisfies the threshold requirements for a Preliminary Partition application. If the parent parcel is subject to a pending Legal Lot Determination under Section 40.47, further division of the parent parcel shall not proceed until all of the provisions of Section 40.47.15.1.C have been met.***

FINDING:

The purpose of this application is to create one legal lot and two legal tracts of record from two existing tax lots. The site contains an existing building and associated parking and landscape areas and two single family homes. No changes are proposed to existing conditions. One Tract of land (Tract A) created by this partition is intended for sale to Tualatin Hills Park and Recreation District. The other tract of land (Tract B) is associated with the existing water quality treatment facility and is intended to separate the water quality facility from the single family homes.

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

FINDING:

The applicant has paid the required application fee of \$3,383 for a Preliminary Partition application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. ***The proposed development does not conflict with any existing City approval, except the City may modify prior approvals through the subdivision process to comply with current Code standards and requirements.***

FINDING:

There are no other existing City approvals which pertain to the subject property.

Therefore, staff finds that the proposal meets the criterion for approval.

4. ***Oversized parcels (oversized lots) resulting from the Partition shall have a size and shape which will facilitate the future potential partitioning or subdividing of such oversized lots in accordance with the requirements of [the Development] Code. In addition, streets, driveways, and utilities shall be sufficient to serve the proposed partition and future potential development on oversized lots.***

FINDING:

Oversized lots are defined by the Beaverton Development Code as lots which are greater than twice the minimum lot size allowed by the subject zoning district. In this case the oversized lot is to retain the existing church and two single family homes. Partitioning the oversized lot in the future may require the removal of existing driveways to the two dwellings from SW Hall Blvd. As previously stated, no development is proposed. Partitioning the church property in the future would be subject to separate application and notice.

Therefore, staff finds that the proposal meets the criterion for approval.

5. ***Applications that apply the lot area averaging standards of Section 20.05.50.1.B shall demonstrate that the resulting land division facilitates the following:***

- a) Preserves a designated Historic Resource or Significant Natural Resource (Tree, Grove, Riparian Area, Wetland, or similar resource); or,***
- b) Complies with minimum density requirements of [the Development] Code, provides appropriate lot size transitions adjacent to differently zoned properties, and where a street is proposed provides a standards street cross section with sidewalks.***

FINDING:

The proposal does not apply the lot area averaging standards.

Therefore, staff finds that the criterion for approval does not apply.

6. ***Applications that apply the lot area averaging standards of Section 20.05.50.1.B do not require further Adjustments or Variance for the Land Division.***

FINDING:

The proposal does not apply the lot area averaging standards.

Therefore, staff finds that the criterion for approval does not apply.

7. ***The proposal does not create a parcel which will have more than one (1) zoning designation.***

FINDING:

All parcels created by the proposal will have the Urban Standard Density (R7) zoning designation.

Therefore, staff finds that the proposal meets the criterion for approval.

8. ***Applications and documents related to the request requiring further City approval, shall be submitted to the City in the proper sequence.***

FINDING:

The applicant has submitted all documents related to this request for a Preliminary Partition in the proper sequence. Future applications will include a Final Partition application to be received in the proper sequence.

Therefore, staff finds that the proposal meets the criterion for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends APPROVAL of LD2012-0019 Church of the Nazarene Preliminary Partition, subject to the applicable conditions identified in Attachment C.

Land Division Standards Code Conformance Analysis

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Grading Standards			
60.15.10.1 Applicability	Grading standards apply to all land divisions where grading is proposed but do not supersede Section 60.05.25 Design Review.	The applicant does not propose grading as part of this application.	N/A
60.15.10.2.A-C Exemptions	Exemptions include: Public right-of-way, storm water detention facilities, grading adjacent to an existing public-right of way which results in a finished grade below the elevation of the adjacent right-of-way.	The applicant is not requesting any exemptions be applied to this development.	N/A
60.15.10.3.A 0-5 Feet From Property Line	Maximum of two (2) foot slope differential from the existing or finished slope of the abutting property.	The applicant does not propose grading as part of this application.	N/A
60.15.10.3.B 5-10 Feet From Property Line	Maximum of four (4) foot slope differential from the existing or finished slope of the abutting property.	The applicant does not propose grading as part of this application.	N/A
60.15.10.3.C 10-15 Feet From Property Line	Maximum of six (6) foot slope differential from the existing or finished slope of the abutting property.	The applicant does not propose grading as part of this application.	N/A
60.15.10.3.D 15-20 Feet From Property Line	Maximum eight (8) foot slope differential from the existing or finished slope of the abutting property.	The applicant does not propose grading as part of this application.	N/A
60.15.10.3.E 20-25 Feet From Property Line	Maximum ten (10) foot slope differential from the existing or finished slope of the abutting property.	The applicant does not propose grading as part of this application.	N/A
60.15.10.3.F Pre-development slope	Where a pre-development slope exceeds one or more of the standards in subsections 60.15.10.3.A-E, the slope after grading shall not exceed the pre-development slope	The applicant does not propose grading as part of this application.	N/A
Significant Trees and Groves			
60.15.10.4 Significant Trees and Groves	Standards for grading within 25 feet of significant trees or groves.	No significant trees or groves existing on site.	N/A

CONDITIONS OF APPROVAL FOR LD2012-0019

A. Prior to approval of the final plat, the applicant shall:

1. Have verified to the satisfaction of the City Engineer that the location and width of proposed rights of way and easements are adequate; that each parcel and tract has proper access; and that each parcel and tract has adequate public utility service provision/availability per adopted City standards and requirements. (Site Development Div./JJD)
2. The final plat shall be fully dimensioned and indicate the square footage of each lot. The final Plat shall be consistent with the Preliminary Partition Plat, Exhibit A. (Planning Division/JT)
3. Pay all City liens, taxes and assessments or apportion to individual lots and tracts. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures. (Planning Division/JT)
4. Submit a Final Land Division Application. In accordance with Section 50.90 of the Development Code, submittal of a complete final land division application shall be made within 24 months after preliminary plat approval, unless a time extension is approved. (Planning Division/JT)

Advisory Note

1. Future development may be required to close the existing driveway access on SW Hall Boulevard frontage. No new access or modifications to the existing driveways are required for this proposal.